

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 7, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, January 24, 2007 Worksession.

Action: Approved, (CGT/CLH, 3-0).

2. **A-6169, Petition of Janet S. Austin and Craig Brasfield** (rear lot line setback). Letter from the petitioners submitting the revised site plan as requested by the Board.

Action: Re-opened the record to include the letter from the petitioners with attachment, (CLH/CGT, 4-0).

3. **A-6189, Appeal of Catherine A. Cotter** (Historic Preservation Commission (HPC) – HPC Application No. 35/13-06DD). Letter to the Board from Andrew Strongin, Esquire, requesting the stay of the administrative appeal until the final approval by the HPC. Also included is letter from Todd Brown, Esquire.

Action: Denied the request to stay the administrative appeal, (CGT/CLH, 3-1).

4. **A-6200, Appeal of Grace and Brian Myhr** (Department of Permitting Services – Issuance of Building Permit No. 433827). Letter to the Board entering the appearance of Rebecca Willens, Esquire, and Stephens Orens, Esquire, and requesting an expedited hearing.

Action: Granted the request to intervene and expedite the public hearing, (CGT/WMH, 4-0).

5. **CBA-1337 [CBA-1337-A, CBA-1748, CBA-2573, S-11, S-185, S-386, S-386-A, S-778], Petition of the Bethesda Country Club** (golf course and country club). Letter to the Board from Harry Lerch, Esquire, and Stuart Barr, Esquire, requesting an administrative modification. [Large exhibits: existing conditions and demolition plan, proposed conditions plan, stormwater management plans, landscape and lighting plans, tree save plans, elevations, subdivision plat].

Action: Granted the administrative modification, (WMH/CGT, 4-0).

6. **CBA-2160, [CBA-2931, S-117, S-175, S-313, S-568, S-940, S-1292, S-1383, S-1499, S-1790, S-1969, S-2003], Petition of Richard and Mary C. Cifelli, et al** (private riding stable). Memorandum to the Board from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the private riding stables listed above are permitted uses and requesting that they be revoked.

Action: Revoked all special exceptions except S-1969, as abandoned and because the uses are now permitted in the zone, (CLH/WMH, 4-0).

7. **S-226 [S-226-A, S-226-B], Petition of Westleigh Recreation Club, Inc.** (private club). Letter of opposition to the Board regarding modification of the special exception from Laurie Dunlap.

Action: Re-opened the record to include Ms. Dunlap's letter, (CGT/CLH, 4-0).

8. **S-1057, Petition of Campanellie's Signature Portraits** (retail establishment in a multi-family dwelling). Letter to the Board from Jeanette Benjamin requesting a transfer and an administrative modification.

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification; (3) granted the refund of \$2949.87 of the special exception filing fee, (WMH/CLH, 4-0).

9. **S-1130, Petition of Irene W. Chu** (accessory apartment). Letter to the Board from Svetlana Ilyushko, M.D., requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CGT/WMH, 4-0).

10. **S-2255, Petition of Benigna Littrell** (accessory apartment). Memorandum from Tim Pillgreen, Code Enforcement Officer, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CLH/CGT, 4-0).

11. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Letter from Stanley Abrams, Esquire, submitting a letter to Glenmont United Methodist Church as requested by the Board.

Action: Re-opened the record to include Mr. Abrams' letter with attachment, (WMH/CLH, 4-0).

12. **S-2671, Petition of Aunt Hattie's Place** (group home). Memorandum to the Board from Martin Grossman, Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH), notifying the Board of the withdrawal of the petition and recommending denial of the request for dismissal without prejudice.

Action: Dismissed the special exception with prejudice, (4-0/AIF/recused).

DECISION ITEMS:

13. **CBA-286-B, Petition of Columbia Country Club** (golf course and country club). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception modification as amended with conditions, (CLH/WMH, 4-0).

14. **S-2687, Petition of Paul H. and Patricia Gaskin** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CGT/WMH, 4-0).

PENDING ITEMS:

15. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Reopened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06].

16. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

17. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

18. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].

19. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

20. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time. [W/S 5-31-06].

PENDING ITEMS (continued):

21. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair – **ABSENT FOR A.M. WORKSESSION**
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist